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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,094	02/04/2000	KARI REPONEN	PM266020	1466

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EXAMINER	
LY, ANH VU H	

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/485,094	REPONEN, KARI	
	Examiner	Art Unit	
	Anh-Vu H Ly	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-4,6-9,11-13 and 15-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-4,6-9,11-13 and 15-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed June 10, 2004. The proposed amendment to the claims has been entered. Claims 2-4, 6-9, 11-13, are 15-18 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 2-4, 6-9, 11-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazur et al (US Patent 6,072,792). Hereinafter, referred to as Mazur.

With respect to claims 6-7 and 15-16, Mazur discloses in Fig. 2, a block diagram of a communication system comprises plurality of transmitter branches 38 (at least two transceivers), a scheduler 56 (a switching field configured to connect time slots to the transceivers) and power

level controller 58 (a control part configured to control the operation of the transceivers). Mazur discloses in Fig. 5, that the power levels of the communication signal bursts transmitted during three consecutive time slots (determining, for each time slot, a transmission power to be used) by two transmitter branches 28 are defined. Herein, power level P3 is considered as normal transmission power by the examiner (defining certain transmission powers as a normal transmission power). Therefore, power levels P1 and P2 are defined as higher transmission powers by the examiner. Mazur discloses (col. 9, lines 1-5) that waveforms 76 and 78 are representative of the power levels of communication signal bursts generated by two of the transmitter branches 38. As illustrated in Fig. 5, the signal burst are transmitted in different time slots by different transmitters with the power levels of P1 and P2, which are higher than the defined normal transmission power P3 (alternately transmitting time slots at a transmission power higher than normal, using at least two different transceivers to minimize heat build-up in the transceivers). As shown in Fig. 5, the communication signal bursts transmitted in time slots are information data (placing a high-speed data channel in a time slot to be transmitted at a higher transmission power than normal). Mazur discloses in Fig. 2, a block diagram of a communication system operates in according to the IS-136, PDC, and GPRS for GSM (wherein high-speed data channel is an EDGE modulated GPRS packet data traffic channel). Herein, EDGE is an enhanced version of GSM and designed to deliver higher data rates (wherein the high-speed data channel is an EDGE-modulated traffic channel).

With respect to claims 2 and 11, Mazur discloses in Fig. 5, a timing diagram showing downlink power scheduling which communication signal bursts are transmitted by two of the

transmitter branches of the communication system. Herein, communication signal bursts are control data, as considered by the examiner (placing a control channel in a time slot to be transmitted at a higher transmission power than normal.

With respect to claims 3 and 12, Mazur discloses in Fig. 5, the communication signal bursts transmitted in time slots are information data (considered by the examiner) (placing a packet switched channel in a time slot to be transmitted at a higher transmission power than normal).

With respect to claims 4 and 13, Mazur discloses in Fig. 2, a block diagram of a communication system operates in according to the IS-136, PDC, and GPRS for GSM (wherein the packet switched channel is a GPRS packet data traffic channel).

With respect to claims 8 and 17, Mazur discloses (col. 9, lines 1-5) that waveforms 76 and 78 are representative of the power levels of communication signal bursts generated by two of the transmitter branches 38. As illustrated in Fig. 5, the signal burst are transmitted in different time slots by different transmitters with the power levels of P1 and P2, which are higher than the defined normal transmission power P3. Mazur further discloses (col. 9, lines 18-19) that separate antennas are utilized to create spatial diversity (wherein time slots are alternately transmitted at a higher transmission power higher than normal using at least two different antennas).

With respect to claims 9 and 18, Mazur discloses in Fig 1, a scheme in which group of time slots defined upon carriers form channels upon which bursts of communication signals can be transmitted to effectuate communications (transmitting time slots at a normal transmission power using frequency hopping). Herein, the carrier frequencies of the transmitter branches are different.

Response to Arguments

3. Applicant's arguments with respect to claims 2-4, 6-9, 11-13, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl

CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 2/4/05